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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 August 1996, at 10 a.m.

Chairman: Mr. EIDE

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The meeting was called to order at 10.10 a.m.

ELIMINATION OF RACIAL DISCRIMINATION:

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (agenda item 5) (continued) (E/CN.4/Sub.2/1996/5 and 8, E/CN.4/1996/71 and Add.1 and E/CN.4/1996/72 and Add.1 to 4)

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FREEDOM OF MOVEMENT:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES;

(b) POPULATION DISPLACEMENT;

(c) RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY (agenda item 18) (continued) (E/CN.4/Sub.2/1996/29)

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO RACISM, XENOPHOBIA, MINORITIES AND MIGRANT WORKERS (agenda item 20) (continued) (E/CN.4/Sub.2/1996/30)

1. Mr. sang yong PARK said that, as a new member of the Sub-Commission, he felt both honoured and somewhat apprehensive at the prospect of working with such competent and eminent human rights experts, whose dedication and wisdom had greatly contributed to the achievements of the Sub-Commission over the past 47 years. He would do his utmost to discharge his duties impartially and conscientiously and counted on the encouragement of his more experienced colleagues, as well as on the assistance of the staff of the Centre for Human Rights.

2. Mr. KHALIFA, referring to agenda item 5, said that, if the apocalyptic prospect of a third world war was set aside, the world's present fears arose from the upsurge of the demons of the extreme right wing, failure to respect the principle of sovereignty, the rebellion among minorities and national groups and the marginalization of the third world. Those four trends were linked by a common thread: the awakening of racism, which was evidenced by the electoral success of the extreme right-wing parties and the proliferation of extreme right-wing movements in the United States and throughout Europe as a result of South-North migrations and of the deterioration in the economic situation in the industrialized countries. Migrants who came in search of security and better living conditions in the North, just as colonizers had gone to seek freedom and wealth in the South, now found borders sealed off. Racism should be seen as the arch-enemy of peace. It was impossible to imagine an international order based on a world community poisoned and divided by racism.

3. No one could claim to belong to a pure race and, even if such a claim could be made, it would certainly not justify hatred and hostility. Young people should be taught that there was no such thing as a pure race in order to make differences more acceptable and to instil a sense of humility, to teach them not to categorize others, but to regard them as individuals, and to show that no one was superior to anyone else.

4. When discussing racism, it was impossible not to refer to South Africa, where de facto apartheid still existed. The police and the South African Defence Forces were still playing a sinister role in stirring up trouble between the Zulus and the ANC. Unless radical measures were taken, South Africa could very well fall back into the same situation as before and explosive race confrontations could erupt at any time. It was difficult to be optimistic when all institutions had been dismantled and violence had taken hold of the daily life of society. At the very least, an intensive education and training programme should be established to promote equality of opportunity and the fairer distribution of the wealth of the nation in order to eliminate de facto apartheid, put an end to the economic and social marginalization of the majority and prevent the Black political élite from joining hands with the powerful economic interests held by the White minority to the detriment of the masses. South Africa would not always be headed by so charismatic and trustworthy a figure as Nelson Mandela and things would become more complicated after 1999, when the new Constitution entered into force. It was time for the ANC to show that it was capable of building a non-racial, democratic society that was concerned about the interests of the population as a whole.

5. Mr. GUISSE, referring to agenda item 5, said that the destruction of apartheid had by no means cured the social gangrene of racism, which continued its dangerous progress towards formerly healthy areas, reviving practices associated with the past. Acceding to international human rights instruments was one thing, but putting them into practice through the law was another, and it took a great deal of political courage. In that connection, he commended the vision and courage of President Mandela, who had not hesitated to abolish the death penalty in his country, where it had been widely used against his people for reasons of race. Apartheid had polarized public opinion, while, in other countries, racism and exclusion had taken on serious proportions. The international community had to bring pressure to bear on Governments to persuade them to repeal legislative provisions and regulations that encouraged exclusion and, as a first step, that involved eliminating all the vehicles for such practices and, in particular, advertisements and films which portrayed Blacks and Asians as inferior beings.

6. It was impossible to discuss racism and discrimination without referring to the fate of migrant workers and their families, who paid a very heavy tribute to the immigration and exclusion policies followed by the Western countries without any reaction by the international community, which had no hesitation in punishing developing countries that violated human rights. Such a double standard was a threat to the peoples of the whole world, as it provided fuel for reverse racism that might well soon break out. Extreme right-wing parties were often stigmatized, but, whatever their ideology, all political movements shared the same attitude of exclusion towards migrant workers.

7. The United Nations should draw up a list of all States in which slavery survived in order to have them report regularly on trends in that phenomenon and in slavery-like practices in their territory. He was also disturbed by the spread of anti-Semitism and by the violent attitudes of certain groups towards the Jewish people. He denounced the existence of other equally serious practices affecting women and children, particularly in certain ethnic or religious groups. It was essential to find means of eradicating such evils.

8. The UNESCO proposals on human rights teaching for all peoples and, in particular, the rights which advocated equality for all, were very important. Children should be taught genuine respect for others from an early age. In conclusion, he suggested that a set of internal and international provisions should be prepared in order effectively to combat any advertising or performances whose content was discriminatory.

9. Mr. LINDGREN ALVES, referring to the question of racial discrimination, said that he fully agreed with the comment which the Special Rapporteur had made in his report (E/CN.4/1996/72, para. 58) that "the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance, together with anti-Semitism, bode ill for the international community", pointing out that it was precisely because those phenomena boded ill that the Sub-Commission had proposed, two years previously, the organization of a world conference on racism. Unfortunately, the General Assembly had not supported the proposal and the Sub-Commission was being blamed for simply duplicating what was already being done in higher bodies.

10. It was gratifying that the Special Rapporteur had been authorized to visit some European countries in which racism seemed most acute. He was pleased to learn that the measures taken by the Government of Germany to control acts of xenophobia were bearing fruit and that the civil society in France and the United Kingdom was mobilized to counter the worst aspects of racism and xenophobia. It was, however, sad to have to admit that the crisis of society and civilization the Special Rapporteur had identified in France actually spread well beyond the geographical boundaries of one country and of the European continent. Racism in today's world was but a pretext - and a disgusting one - for excluding those who did not belong to the privileged strata of any society.

11. The invitation that Brazil had extended to the Special Rapporteur shortly after he had assumed his functions showed that the Brazilian Government and Brazilian society were willing to face up to the problem of racism that still existed in the country, although to a lesser extent than in other societies. On the whole, he agreed with the Special Rapporteur's assessment of the Brazilian situation, except in respect of miscegenation. The Special Rapporteur's misgivings in that regard were partly understandable, but it was dangerous to cast doubt systematically on the positive aspects of miscegenation. Intermarriage was the easiest way of creating a real community of people that would not be classified by race and colour and it was thanks to intermarriage that Brazil did not have the problem of ethnic, national or

religious conflicts so common elsewhere. Moreover, systematic opposition to intermarriage might not only disguise a different form of racism, but could also lead to policies of racial segregation.

12. Stressing the importance that should be attached to education, he recalled that, at the Olympic medals ceremony, the winner of the marathon, a South African Black, had invited the two other medal winners to join him on the highest step on the podium. That was one of the typical gestures that had to be taught as part of an education policy.

13. Mr. FAN Guoxiang, referring to agenda item 17, said that, as was clearly indicated in articles 1 and 8 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, it was the task of the Sub-Commission, through the intermediary of its Working Group on Minorities, to study not the question of self-determination or the dismemberment of States, but means of ensuring respect for and the promotion and protection of the legitimate rights of national minorities. There were as many fruitful and positive experiences as acute conflicts in that regard. While it was true that no State could claim to be faultless in that respect, there were some where a variety of ethnic groups co-existed peacefully, giving priority to the interests of the community as a whole, and where mechanisms were available to solve problems that might arise. Lack of mutual respect and tolerance, negligence of common objectives and overemphasis on contradictions by different nationalities in a State aggravated ethnic conflicts and even brought about tragedies. Such a situation might be the result of the impotence of the Government concerned, its bias in favour of one minority, the colonial heritage or manoeuvring by some great Powers. Account should also be taken of the role played by troublemakers who pretended to be looking after the interests of a particular national minority, but were actually trying to achieve other goals with total impunity.

14. The Sub-Commission and the Working Group on Minorities should be guided by the principles of promoting solidarity and mutual respect among the various nationalities in a State and avoiding the aggravation of potential conflicts between nationalities; promoting coexistence among nationalities within the territory of a State and avoiding the fragmentation of States; and promoting the political and social stability of States in which minorities lived and averting national, regional and international destabilization. In any event, a realistic, step-by-step approach was better than hasty measures.

15. Mrs. MBONU said she fully agreed that States should adopt legislative measures on behalf of minorities, but she warned the Sub-Commission about the activities of certain minorities which threatened to undermine the territorial integrity or political unity of States that complied with international human rights standards and the rights of minorities.

16. It was apparent from the report by the Working Group on its second session (E/CN.4/Sub.2/1996/28) that machinery for facilitating dialogue among minorities and between the latter and Governments was often inadequate at the national level, so that minorities tended to be excluded from the decision-making process. In her own country, Nigeria, where over 250 different languages were spoken, legislation and administrative practices nevertheless ensured that the linguistic, religious and cultural rights of minorities were safeguarded. In Africa, the cultural diversity of countries divided by artificial boundaries was a legacy of colonialism. To prevent massacres such as those in Rwanda and Burundi from occurring again, the international community and the Working Group on Minorities should give the necessary attention to the establishment of prevention and early-warning mechanisms.

17. Turning to the activities of the Working Group itself, she said that it should not be used as a forum for complaints and that it should further examine the distinction between assimilation and integration. It should also

not waste too much time studying the question of the definition of minorities. As indicated in paragraph 155, it would be better to adopt constructive approaches based on the different needs and situations of minorities. It would be appropriate for the Working Group on Minorities to become permanent, on the same basis as the three other working groups of the Sub-Commission, and she endorsed the recommendations made by the Working Group as a whole and, in particular, the recommendation concerning the establishment of a voluntary fund to enable NGOs representing minorities in developing countries to participate in its work, provided that they were sincerely committed to seeking solutions for the peaceful coexistence of minorities within States rather than to dismembering the Member States of the United Nations.

18. Mr. BENGOA, referring to the working paper submitted by Mr. Eide under agenda item 20 (E/CN.4/Sub.2/1996/30), said that he shared Mr. Eide's view that international circumstances had changed considerably in recent years and that the system for the protection of human rights should take those changes into account. It also had to be decided whether minorities should join the ongoing process of cultural globalization or whether they should be protected so that they could keep their own identity. It could be asked whether the "protection" of minorities was not paternalistic or outdated and whether persons belonging to minorities should not be protected on the same basis as any other persons, without continuing to group people together in ways that could be regarded as obsolete.

19. The distinction between integration and assimilation, which had been discussed by the Working Group on Minorities, was a question of political and juridical outlook and related to how the question of minorities was perceived. Assimilation implied that the minority became totally dissolved in the majority, whereas integration theoretically meant that a minority group became part of the majority community while preserving its own identity. A policy of assimilation would in the long run eliminate a society's cultural diversity and he preferred the concept of integrated societies in which the diversity of minorities, their identity, specific characteristics and particular way of fitting into globalization were respected.

20. The Working Group on Minorities had been an outstanding forum for those discussions, on account, inter alia, of the harmony and enthusiasm of its members, the active and constructive participation of NGOs and many Government delegations and the support of the secretariat. Three aspects of the Working Group's mandate were particularly important: it should serve as a specialized body and become a special forum for the formulation of doctrine on the question of minorities, new policies, regulations and proposals for codification: propose peaceful solutions to the problems of minorities; and contribute to the dialogue between majorities and minorities. Preventive measures were of the highest importance in that regard. When disputes between minorities and majorities developed into armed conflicts, it was difficult to take sides. NGOs and Governments should therefore be invited to draw the attention of the Sub-Commission and the Working Group to situations which had not yet become so serious that they could not be settled by peaceful means before degenerating into conflicts. The Working Group had to have clear indications on how it was to fulfil its mandate in dealing with the specific cases submitted to it.

21. In today's world, a person would have to be blind not to see that the social and cultural future would be marked by two simultaneous trends: the globalization of societies and the "reidentification" of minorities and social groups. With the re-emergence of minority groups in many countries, innovative solutions had to be found in terms of political institutions, for example, by looking to the principle of federalism or the concept of "autonomy" without secession, on the understanding that each case was special and had to be solved in the light of the traditions and customs of the parties concerned.

22. Two other conflicting trends were globalization and the widening gap between rich and poor countries. The natural consequence of that situation was the movement of millions of individuals from the third world towards the developed countries. The concept of "migrant worker" no longer described the phenomenon because it now affected whole families. It was not fair that the only policy that the rich countries applied was to close their borders. In order to survive, poor people invented all kinds of more or less honest means of entering those countries, where they knew perfectly well that they were needed to do the lowliest jobs that local workers refused to do. If the rich countries did nothing about the causes of international economic migration, the pressure at their borders would be greater every day. For all those reasons, the Sub-Commission should pay particular attention to those new topics, on which international instruments were quite vague and to which Mr. Eide had referred in paragraphs 44 et seq. of his working paper.

23. A number of other topics deserved the closest attention, including "affirmative action", restrictions on freedom of the press and freedom of assembly to prevent xenophobia and incitement to ethnic hatred, and the importance of education in making majorities understand the diversity and cultural wealth of minorities and their contribution to a country's history. Lastly, the proposal for the extension of the Working Group's mandate should be given serious consideration.

24. Mr. CHERNICHENKO said that the Working Group must be careful not to adopt too broad an interpretation of the concept of racism. In the eyes of some NGOs, any measure affecting ethnic or religious movements could be regarded as racist, even if it was justified by international law. In addition, there seemed to be a tendency systematically to link that question to the concept of self-determination. Some speakers had suggested that too much importance should not be attached to definitions. However, working without a definition was tantamount to groping in the dark and it was good to clarify certain concepts.

25. The right to self-determination was a right of peoples, not of national or ethnic minorities. Moreover, the right to self-determination implied the right to secede only in certain cases, for example, in non-autonomous territories, in the case of peoples living in territories annexed after 1945 or when the population of a particular territory of a specific State was entitled to secede under the Constitution of the State. A number of international instruments such as the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples and the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations emphasized that the right to self-determination should not be interpreted as legitimizing the destruction of the national unity and territorial integrity of a country which respected the rights of minorities and guaranteed to its population fair representation in Government bodies. There were, of course, different points of view and some people thought that all existing national borders should be reconsidered. In such a case, Corsica or Brittany might be able to secede from France. A number of questions arose in that regard. It could be asked who should be responsible for proving whether or not a State respected the principle of equity towards the whole of the population living in its territory. It might also be asked how the right to self-determination, to which the Kurdish people was unquestionably entitled, could be exercised in practice since the Kurds now lived in the territory of several different States.

26. Referring to the question of the definition of the term "minority", he asked how a people was distinguished from a national or ethnic minority. It was true that a national minority could become a people, but, without a clearly defined principle, a global definition of the term "minority", or at least the formulation of relevant guidelines, would be useful.

27. He requested that agenda item 18 (c) on the right to leave any country, including one's own, should be kept on the agenda of the Sub-Commission's forty-ninth session. A great deal of thought had been given to that question over the years and, in view of the new elements which had recently come to light, the Sub-Commission might decide to establish a sessional working group on it.

28. Mr. YIMER, referring to agenda item 20, said that the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1996/30) contained a wealth of interesting ideas relating, inter alia, to the shift from the territorial State to the "virtual State" (para. 14), the two apparently conflicting processes of globalization and the revival of nationalism and ethnic or religious identities, including fundamentalism (para. 15), and recognition of the fact that the processes linked to globalization were not egalitarian, as they originated in some parts of the world while other regions suffered the consequences (para. 17). According to Mr. Eide, those processes contributed to tension, including in the industrialized countries, and were partly responsible for the substantial levels of structural unemployment in the countries of western Europe and the sharp decrease in levels of income for many workers in the United States (para. 19). In his view, that statement was debatable and the question should be considered in greater depth.

29. Regarding the development of a broader strategy (sect. D) to prevent discrimination and protect minorities, he shared Mr. Eide's view that the Sub-Commission was ideally suited to consider those issues, as it was an expert body, and that it should work in close cooperation with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

30. The conclusions (sect. E) raised ambiguous and controversial issues such as the relationship between freedom of expression and association, on the one hand, and the prohibition of organizations and statements which fomented hatred, on the other, and the relationship between the territorial integrity of sovereign and independent States, the principle of non-interference, the prohibition and prevention of "ethnic cleansing" and the right of peoples to self-determination. The Sub-Commission should focus its attention on those issues. It should also, as recommended by Mr. Eide, give priority to the question of the treatment of aliens and stateless persons, on which standard setting and follow-up were particularly necessary, and to the problem of deportations and expulsions of aliens.

31. It was rightly pointed out (para. 49) that a ceiling had been placed on the number of formal studies with financial implications which the Sub-Commission could carry out. However, he suggested that, in order to carry out the activities forming part of its mandate, the Sub-Commission should consider other possibilities than the establishment of sessional working groups, as suggested in paragraph 50 of Mr. Eide's paper. In conclusion, he thanked Mr. Eide again for the high standard of his working paper.

32. Mrs. PALLEY welcomed the fact that the Bureau had decided that agenda items 5, 17, 18 and 20 should be considered jointly and said she hoped that it would take a similar decision on items 15 and 16, items 7, 11 and 8 and items 13 and 19. She suggested that those changes, which had already been put into practice, should be formally adopted when agenda item 22 was considered. A shorter and more coherent agenda and less repetitive discussions would only benefit the Sub-Commission's work.

33. Turning to the question of the protection of minorities, she said that the excellent reports of the Working Group on Minorities (E/CN.4/Sub.2/1996/2 and 28) reflected the theoretical, practical and, above all, prudent approach adopted by its members. She stressed that the term "minorities" did not require a definition, but simply clarification. During its discussions, the Working Group had emphasized, in the context of regional mechanisms, that,

when new instruments were drawn up, they should not be interpreted as derogating from existing standards of protection. The same principle should apply to bilateral treaties. As to the extension of the Working Group's mandate, she hoped that, if it was not made indefinite, it would be for a period of four years because it had restored the Sub-Commission's basic function of protecting minorities.

34. Referring to agenda item 5, she commended the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his excellent reports (E/CN.4/1996/72 and Add.1 to 4). She noted with satisfaction that he had started with situations of racism and xenophobia in western countries. In parallel with his work, the Sub-Commission should take up the residual forms of slavery that still existed in some countries and, in particular, in certain western countries, where they were a legacy of past ideologies.

35. With regard to the question of population displacement, which was covered by a subparagraph of agenda item 18, she regretted that the Special Rapporteur on population transfers had run into obstacles of different kinds. The Sub-Commission should request that funds should be allocated for the organization of a seminar to enable the Special Rapporteur to complete his work.

36. As to agenda items 18 and 20, she stressed that the Sub-Commission, which had been criticized in the past for having undertaken too many studies, should not go to the other extreme of deciding not to take up any new studies during the current year. It had to have a rational policy in that regard and fill the gaps which existed in certain areas and which would justify the start of the new studies. For example, a systematic review could be undertaken of the Universal Declaration of Human Rights to identify the rights which did not receive enough attention and which could justify a study or the appointment of a thematic rapporteur. For example, the right to freedom of movement and residence within the borders of each State and to leave any country, including one's own, and to return to one's country (art. 13) and the right to seek and to enjoy in other countries asylum from persecution (art. 14) were insufficiently protected. A study could also be made of the right to a nationality, the right to own property and the right to social security (arts. 15, 17 and 22) and, above all, of the rights and duties of the individual towards the community (art. 29). Two other general studies needed updating, the one relating to machinery for the implementation of human rights, in order to deal with the implementation of human rights in time of armed conflict, and Mr. Whitaker's study on the prevention and punishment of the crime of genocide (E/CN.4/Sub.2/1985/6), in order to include the question of ethnocide.

37. In conclusion, she suggested that the Sub-Commission should undertake three new studies each year. She again welcomed the new organization of debates, which had proved more intellectually stimulating and better suited to consensus among the members.

38. Mr. GARCIA (Pax Romana), referring to agenda item 18 (b), said that, at its previous session, the Committee on Economic, Social and Cultural Rights had expressed its serious concern about the situation of the 32,300 Guatemalans who were internally displaced or refugees in Mexico. The proposal by the Government of Mexico to allow them to settle in Mexico was all the more interesting as the Government of Guatemala was still somewhat hostile to their return.

39. The lack of resources prevented UNHCR, the World Food Programme and the International Committee of the Red Cross from providing sufficient aid to the 200,000 Sudanese refugees in Uganda. In addition, in July 1996, the so-called "Lord's Resistance Army" led by Joseph Koney had killed 107 people, mainly women and children, in the Acholi-Pii refugee camp.

40. According to UNHCR, in the Great Lakes region, several thousand Burundians whose relatives had been murdered in ethnic conflicts had taken refuge in Zaire and Rwanda. The Burundian authorities were denying UNHCR access to the Kibezi and Ruvumu refugee camps, which contained 27,000 refugees, most of them Hutus. The same authorities had already expelled 13,500 refugees from Burundi to Rwanda. The recommendations made by the Commission on Human Rights at its fifty-second session concerning the refugees had remained a dead letter.

41. In the Jaffna peninsula in Sri Lanka, tens of thousands of refugees were being used as pawns to prevent a complete victory of the Government forces. In the Indian State of Tamil Nadu, pressure was allegedly being brought to bear on the 56,000 Tamil refugees to force them to return to Sri Lanka.

42. At their most recent meeting, the G7 members had announced their willingness to grant development aid to countries affected by conflicts, particularly in Sub-Saharan Africa. Such aid should take account of the existing economic fabric in the region concerned.

43. Pax Romana invited the Sub-Commission to make an urgent appeal to States and to multilateral organizations to increase their emergency assistance to all countries in need of it and requested that the human rights of displaced populations should be respected and that the Government of Guatemala should implement the relevant recommendations of the Commission on Human Rights.

44. Mr. DURIEUX (Office of the United Nations High Commissioner for Refugees) said that UNHCR acknowledged the important contributions made by the Sub-Commission in areas closely connected with its own work, and in particular the reports submitted at the current session on the question of the impunity of human rights violators (E/CN.4/Sub.2/1996/18) and on traditional practices affecting the health of women and children (E/CN.4/Sub.2/1996/6). In that connection, UNHCR noted with satisfaction that several national jurisdictions responsible for determining refugee status had recognized in some cases that the forced mutilation of a woman or girl when she returned to her country of origin, or the consequences for the parents of refusal to have their daughters undergo that procedure, could be considered persecution under the 1951 Convention relating to the Status of Refugees.

45. UNHCR endorsed the view expressed by Mr. Eide at the end of his working paper on a comprehensive programme for the prevention of discrimination and the protection of minorities (E/CN.4/Sub.2/1996/30) that, in setting priorities, the Sub-Commission should not lose sight of its primary mandate, the prevention of discrimination and protection of minorities.

46. On the question of freedom of movement, Sub-Commission resolution 1995/13 highlighted the interrelationship between the various aspects of that right, i.e. the right to leave, the right to return to, and the right to remain in a country, as well as the right not to be displaced. That comprehensive approach was the right one and, in that context, UNHCR drew the Sub-Commission's attention to two areas in which increased efforts were warranted. The first related to the right to leave a country in order to seek asylum in another country, which was being called into question by the restrictive policies practised by States in respect of the admission of refugees and asylum-seekers. Xenophobic reactions in many countries had caused Governments to erect barriers against potential refugees, thereby undermining the effective exercise of the right to asylum. The detention of asylum-seekers as a deterrent continued unabated on all continents. The fate of refugees and asylum-seekers affected by HIV or AIDS was particularly dramatic, as they were denied both asylum and third country resettlement.

47. "Ethnic cleansing" and similar practices were among the most pressing and complex questions requiring the Sub-Commission's attention. Population transfers, especially by means of ethnic cleansing, were a violation of the

right to return to one's place of habitual residence or to remain in a country, as were, under certain circumstances, population exchanges, forced evictions and forced evacuations without imperative security reasons. UNHCR offered its assistance to the Sub-Commission to enable the Special Rapporteur on the human rights dimensions of population transfer to submit his final report. He also encouraged the Sub-Commission to prepare a comprehensive study on all aspects of the right to freedom of movement.

48. Lastly, because practices relating to citizenship could intensify discrimination among groups, as Mr. Eide had pointed out in his working paper, UNHCR suggested that the Working Group on Minorities should examine the links between minority protection, citizenship and statelessness. UNHCR looked forward to a continuing dialogue and cooperation with the Sub-Commission in view of the complementarity between standard-setting and operational human rights work.

49. Mr. COFFINIER (United Towns Agency for North-South Cooperation), referring to agenda item 18, said that the problem of migrations was caused by political, economic and demographic factors.

50. Some people were compelled to leave their country because they could no longer exercise their freedom of expression and thought. In some cases, "host countries" did not respect the rights of those political refugees, particularly with regard to freedom of movement (art. 13 of the Universal Declaration of Human Rights) and family reunion (art. 16, para. 3).

51. In host countries, persons who emigrated for economic reasons did not always receive "just and favourable remuneration ensuring for themselves and their families an existence worthy of human dignity", as required by article 23, paragraph 3, of the Universal Declaration.

52. The overpopulation of some countries which had not been able to manage or forecast their demographic growth was the third cause of migrations. Migrant workers in host countries felt uprooted and were often separated from their families. Sometimes, they could not freely practise their religion or express their beliefs. Migrant workers and their families could be deprived of welfare protection and of educational possibilities and their children ran the risk of finding themselves outsiders both in the host country and in their country of origin.

53. In conclusion, he invited the international community and the United Nations to control the phenomenon of "delocalization" so that everyone would be able to receive remuneration in conformity with the requirements of the Universal Declaration of Human Rights, thereby limiting economic migration and encouraging the development of the non-industrialized countries. The transfer of skills between industrialized and non-industrialized countries was much better than the population displacements currently taking place.

54. Mrs. SPALDING (International Association of Educators for World Peace) said that, in the context of the Third Decade to Combat Racism and Racial Discrimination, the Decade for Human Rights Education and the International Decade of the World's Indigenous People and to mark the fiftieth anniversary of UNICEF and UNESCO, the International Association of Educators for World Peace believed that it was imperative to refer, under agenda item 20, to the action being carried out by young people and people working with young people to combat racism. She gave the floor to a young member of her association who would speak on the topic.

55. Mrs. LYON (International Association of Educators for World Peace) said that more than half the hate crimes in the United States were committed by young people aged between 15 and 24. As an educator, she knew that teachers had a vital role to play by creating a climate of tolerance in the classroom and showing that differences were a source of mutual enrichment.

Multicultural education and programmes to develop awareness of human rights and eliminate racial prejudice should therefore be encouraged.

56. In the United States, organizations such as the Anti-Defamation League, the Southern Poverty Law Center and the Federation of Child Care Centers of Alabama had created programmes and teaching materials to enable educators to combat racism and xenophobia effectively.

57. Mr. QUAYES (Observer for Bangladesh), referring to agenda items 17 and 20, said that his delegation had carefully studied the working paper by Mr. Eide (E/CN.4/Sub.2/1996/30). In connection with section B of the paper, he emphasized that the Sub-Commission's mandate was not to prevent discrimination or to protect minorities, but to make recommendations to the Commission on Human Rights concerning prevention of discrimination and protection of minorities and that it had played a key role in drafting international standards concerning the protection of minorities.

58. With regard to section C, while it was true that extreme nationalism could lead to intolerance, in historical terms, nationalism had played a leading role, especially during decolonization, and it would be preferable not to associate it with xenophobia. Xenophobia, ethnic intolerance and violations of the rights of migrant workers were expressions of protectionism, whether of national or cultural space, the market place or simply social "homogeneity". The process of globalization, as referred to in paragraph 15, actually led to the economic, political and cultural marginalization of the non-dominant countries, which tried to adjust to the trend, perhaps to the detriment of their national interest. At the same time, the international community seemed to be emphasizing the preservation of the diversity of the constituent parts of States, possibly to the detriment of their general interest. Consideration should be given to ways of reconciling globalization, diversity and national interest in the interest of mankind as a whole.

59. Turning to section E, he noted that, with regard to action to combat racial discrimination (para. 37), any refusal to take affirmative action, which could, of course, be described as "reverse discrimination", would mean maintaining discrimination against the groups concerned. As to abuse of freedom of expression (para. 38), incitement to hatred should be condemned, but so should disinformation, as it was a violation of freedom of information. Referring to the draft United Nations declaration on the rights of indigenous peoples (para. 40), he said that it was too early to set up machinery, for its implementation, since the text had not yet been adopted by the General Assembly. The comment that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was "formulated in rather vague terms" (para. 41), had to be viewed in the light of the report on the work of the first session of the Working Group on Minorities, which had focused mainly on the clarification of concepts.

60. Turning to agenda item 17, he recalled that his country was deeply committed to the work of the inter-sessional Working Group on Minorities. However, the Working Group had departed from its mandate by holding its second session at a time not provided for in the schedule drawn up by the Commission on Human Rights in resolution 1995/24. His delegation had therefore regretted having to inform the High Commissioner for Human Rights that it would not participate in that meeting. He suggested that the Sub-Commission might invite the Working Group carefully to consider its mandate, as defined by the Commission on Human Rights.

61. Mrs. WARZAZI thanked the Chairman-Rapporteur of the inter-sessional Working Group on Minorities for his work. She earnestly hoped that the work of the Group would have a beneficial impact on relations between minorities and Governments.

62. The Sub-Commission should take a greater interest in the fate of refugees and asylum-seekers who were often the victims of racist attacks. Instead of adopting vigorous measures to remedy that situation, some States took the easy way out: they closed their borders and expelled asylum-seekers,

thereby intensifying the xenophobic feelings of the local population. In such circumstances, the right to asylum and freedom of movement had to be strengthened.

63. It was regrettable that it had not been possible to organize the expert meeting on the question of population transfers because of the lack of funds. Perhaps the Sub-Commission could request UNHCR to fund such a meeting. It might also request one of its members to prepare a working paper on freedom of movement and population transfers.

64. The CHAIRMAN said that he would ask the Centre for Human Rights and UNHCR whether they would be able to help fund the meeting referred to by Mrs. Warzazi.

65. With regard to the right of reply, the Bureau had decided, at its preceding meeting, that Government observers were fully entitled to contest the facts presented by an expert of the Sub-Commission, provided they did not question his integrity or sincerity.

The meeting rose at 1 p.m.